DOCKET NO.: 219110US0CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/062,413
Applicants: Takeshi MORIKAWA et al
Filing Date: February 5, 2002
For: PHOTOCATALYTIC MATERIAL, PHOTOCATALYST, PHOTOCATALYTIC ARTICLE, AND METHOD FOR THE PREPARATION THEREOF
Group Art Unit: 1754
Examiner: Edward JOHNSON

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

NORMAN F. OBLON
(703) 413-3000
NOBLON@OBLON.COM

ROLAND E. MARTIN
(703) 412-6243
RMARTIN@OBLON.COM
*BAR OTHER THAN VIRGINIA



SIR:

Attached hereto for filing are the following papers:

**RESTRICTION RESPONSE**

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Registration No. 24,618

Roland E. Martin
Registration No. 48,082

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

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IN THE UNITED STATES PATENT AND 0TRADEMARK OFFICE

IN RE APPLICATION OF :

Takeshi MORIKAWA et al : GROUP ART UNIT: 1754

SERIAL NO.: 10/062,413 : EXAMINER: Edward JOHNSON

FILED: February 5, 2002 :

FOR: PHOTOCATALYTIC MATERIAL, PHOTOCATALYST, PHOTOCATALYTIC ARTICLE, AND METHOD FOR THE PREPARATION THEREOF



RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is responsive to the Restriction Requirement mailed December 1, 2003.

Applicants elect, with traverse, Group I, Claims 1-23 and 49-52 for examination.

The Examiner states that the inventions of Groups I-IV are not so linked as to form a single general inventive concept under PCT Rule 13.1, because they lack the same or corresponding special technical feature, since Claim 1 is anticipated or obvious over three references.

Applicants disagree with the Examiner's statement that Claim 1 is anticipated or obvious over three references but, assuming *arguendo*, the references do anticipate or make obvious Claim 1, the Examiner is referred to annex B of M.P.E.P. 1800, Instructions concerning unity of invention, (c)(ii) in which is stated that, if an independent claim does not avoid the prior art, then the question whether there is an inventive link between all the claims still needs to be considered. The inventive link between all the claims is established by the fact that the claims of Groups II, III, and IV all refer back to claims of elected Group I.

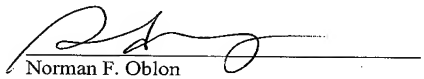
Therefore, it is submitted that there is still an inventive link between the claims of Groups I-IV and, therefore, the restriction requirement should be withdrawn and all the claims examined on the merits.

Further, the M.P.E.P. §803 states that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions". Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Patent & Trademark Office.

Finally, if the claims of Group I are ultimately found allowable, it is requested that the claims of Groups II-IV be rejoined under M.P.E.P. §821.04 and allowed, also.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Roland E. Martin
Registration No. 48,082

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)